

The Georgia State Board of Optometry met on **July 27, 2005** at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting business.

**Members Present:**

- Kay F. Royal, O.D., President
- Dudley B. Christie, O.D.
- H. Kemp Jones, O.D.
- R. Whit Lord, O.D.
- William Sharpton, O.D.

**Others Present:**

- Anita O. Martin, Executive Director
- Lea F. Williams, Board Secretary
- Wylencia Monroe, Board Attorney
- Georgianne Bearden, GOA
- Chris Hobson, GOA
- Kristel Helgado
- Donna Buck
- Jasmine Rogers
- Cherie Frank

Dr. Royal established that a quorum was present and called the Public Hearing to order at 10:03 AM.

Comments were received by Chris Hobson, President, GOA regarding Rule 430-2-.04: Requirements: Approval of Educational Programs.

No comments were received regarding Rule 430-2-.07: Renewal of Licenses or Rule 430-11-.01: Examination Requirements.

The Public Hearing adjourned at 10:25 A.M., and the meeting was called to order in OPEN SESSION at 10:25 A.M.

**Proposed amendments to Rule 430-2-.04, Requirements: Examination Requirements:**

Dr. Lord motioned, Dr. Christie seconded, and the Board voted to re-post the rule as amended. The motion was approved by the Board with all members in favor. (Attachment #1)

**Proposed amendments to Rule 430-2-.07, Renewal of Licenses:** Dr. Jones motioned, Dr. Lord seconded, and the Board voted to adopt the rule as posted. The motion was approved by the Board with all members in favor. (Attachment #2)

**Proposed amendments to Rule 430-11-.01, Examination Requirements:** Dr. Christie motioned, Dr. Jones seconded, and the Board voted to adopt the rule as posted. The motion was approved by the Board with all members in favor. (Attachment #3)

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Optometry.

**April 27, 2005 Board Meeting Minutes:** Dr. Jones motioned, Dr. Lord seconded, and the Board voted to **approve** the minutes as presented.

**Roster of New Licensees:** Dr. Lord made a motion to **approve** the roster. The motion was seconded by Dr. Christie and approved by the Board.

**Request submitted by Ian Buchli, O.D.:** Dr. Lord motioned, Dr. Christie seconded, and the Board voted for Dr. Jones to present the Jurisprudence lecture for the District 8 meeting in the fall.

**Request from the PLB's Legal Services Dept.:** Dr. Jones motioned, Dr. Christie seconded, and the Board voted to adopt into policy a blanket-approval for the release of investigative files to other state boards and enforcement agencies upon their request.

**E-mail from Joe Baker, Jr. regarding National Vision, Inc.:** Dr. Lord motioned, Dr. Jones seconded, and the Board voted to notify Mr. Baker that they are not familiar with any issues regarding the company, and to provide clarification as to what he is seeking of the Board.

**Letter submitted by Yan Wu, O.D. re: "Application for Exemption to the Window Tint Law":** Dr. Jones motioned, Dr. Christie seconded, and the Board voted to send Dr. Wu the "No Legal Advice" letter.

**Discussion of "level licensure" and the definition of an exam.:** The Board voted to table this item, and gather more information from the GOA.

**HB 166 and draft Rule 430-2-.08, Volunteers in Optometry:** Dr. Lord motioned, Dr. Sharpton seconded, and the Board voted to **post** the rule. (Attachment #4)

**Draft amendment to Rule 430-4-.01, Unprofessional Conduct:** Dr. Christie motioned, Dr. Jones seconded, and the Board voted to **post** the rule as amended. (Attachment #5)

**Rule 430-10-.03, Approved Therapeutic Drugs:** Dr. Jones motioned, Dr. Sharpton seconded, and the Board voted to post an amendment to the rule, removing the following drugs from the formulary: chlortetracycline, idoxuridine, lovobetaxolol, pyrilarnine, tetracycline, unoprostone, and vidarabine. (Attachment #6)

The Board voted that the formulation and adoption of these rules does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Optometry.

**E-mail from M.I., O.D. re: Kaiser Permanente Insurance:** Dr. Lord motioned, Dr. Jones seconded, and the Board voted to refer to the Pharmacy Board and the Insurance Commissioners' Office.

Dr. Lord moved, Dr. Christie seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-2(k) and §43-1-19(h) to deliberate on applications, receive enforcement's, Board attorney's and cognizant's' reports. Voting in favor of the motion were those present who included Board members Jones, Sharpton and Royal. The Board concluded Executive Session in order to vote on these matters and to continue with **OPEN SESSION**.

#### **OPEN SESSION:**

**J.M.J.:** Dr. Christie made a motion to **approve** the application once all requirements are met. The motion was seconded by Dr. Lord and approved by the Board.

**R.P.S.:** Dr. Jones made a motion to **approve** the application once all requirements are met. The motion was seconded by Dr. Sharpton and approved by the Board.

**M.D.B.:** Dr. Lord motioned, Dr. Christie seconded, and the Board voted to **approve** the application once all requirements are met.

**#03-030:** Dr. Christie motioned, Dr. Jones seconded, and the Board voted to **send** the case to Enforcement.

#### **Cognizant Report:**

**#05-032:** Dr. Jones motioned, Dr. Christie seconded, and the Board voted to **dismiss** the case.

**#05-016:** Dr. Lord motioned, Dr. Jones seconded, and the Board voted to **dismiss** the case.

**#05-023:** Dr. Jones motioned, Dr. Sharpton seconded, and the Board voted **dismiss** the case.

#### **Executive Director's Report:**

- Announced that the Optometry Board would be transferred to another section and would have new staff.
- Presented request of applicant B.A.V. requesting the Board to re-grade her exam. Board denied her request.

#### **Attorney General's Report:**

- Provided an update of the cases in her office.

There being no further business to come before the Board, the meeting was adjourned at 12:45 pm on July 27, 2005.

Minutes prepared by Board Secretary, **Lea Williams**, and reviewed by Executive Director, **Anita Martin**.

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Kay F. Royal, O.D., Board President

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Mollie Fleeman, Division Director

**SYNOPSIS OF PROPOSED REVISIONS TO THE  
GEORGIA STATE BOARD OF OPTOMETRY RULES  
RULE 430-2-.04, REQUIREMENTS; APPROVAL OF EDUCATIONAL PROGRAMS TO BE  
TITLED CONTINUING EDUCATION REQUIREMENTS;  
APPROVAL OF EDUCATIONAL PROGRAMS.**

**PURPOSE:** The purpose of the proposed rule amendment is to change the title, provide additional blanket approval for continuing education programs provided at Georgia medical colleges, limit the number of refractive surgery-related courses, and make an address correction.

**MAIN FEATURES:** The main feature of the proposed rule amendment is to change the title, provide additional blanket approval for continuing education programs proved at Georgia medical colleges, limit the number of refractive surgery-related courses, and make an address correction.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED  
AMENDMENTS TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES RULE  
430-2-.04, REQUIREMENTS; APPROVAL OF EDUCATIONAL PROGRAMS TO BE  
TITLED CONTINUING EDUCATION REQUIREMENTS;  
APPROVAL OF EDUCATIONAL PROGRAMS.**

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

Rule 430-2-.04, Requirements; Approval of Educational Programs is hereby revised as follows:

**430-2-.04 Continuing Education Requirements; Approval of Educational Programs.**

(1) The Board has pre-approved; continuing education (post-graduate) courses from schools and colleges of optometry accredited by the Council on Optometric Education of the American Optometric Association; a maximum of ten (10) hours per biennium in ophthalmologic related courses taught by the Medical College of Georgia, Emory University, Mercer University and Morehouse College; any courses offered by the American Optometric Association or its regional or state affiliates; the Society of Professional Optometrists of Georgia; the Council on Optometric Practice Education (C.O.P.E.) and any courses approved by C.O.P.E. All pre-approved continuing education providers must give notification of their courses on a timely basis to all Georgia Optometrists. Any other individual or organization desiring Board approval of an educational program sponsored by the individual or organization, or particular segments of such a program shall submit a request for approval to the State Board of Optometry, ~~166 Pryor Street, SW, Atlanta, Georgia 30303~~, 237 Coliseum Drive, Macon, Georgia 31217 not later than thirty (30) days prior to the scheduled date of such program. The Board will act on such request within thirty (30) days after receipt of the request for approval. Any request for Board approval of an educational program must include the following information:

(a) The identity of the sponsor, including:

1. The name and address of the sponsoring individual(s) or organization and a description of any organizational form (e.g., unincorporated association, non-profit corporation, etc.) and the date of organization;

2. The name and address of the principal officers of the sponsor.

(b) A description of the program, including:

1. With respect to each course for which approval is sought:

(i) the name and address of the instructor;

(ii) the title of the course;

(iii) a brief biographical sketch of the instructor including a detailed description (curriculum vitae) of his/her academic qualifications and a listing of prior publications including published speeches, which relates to the subject matter of the course;

(iv) an outline of the proposed content;

(v) the number of hours for which approval is requested, including a specification of those hours relating to practice management.

2. The scheduled time and place of the course;

3. A description of the method by which course attendance is to be monitored;

4. The amount of any registration fee, tuition or other charge for attendance, including a statement of any difference in such charges, which depend on membership in the sponsoring organization;

5. A sample of any advertisement or announcement intended to be employed concerning the program.

(c) Such additional information as the Board may request in the course of its deliberations concerning the application for approval.

(2) The following course content will not satisfy the continuing education requirement:

(a) Courses dealing with social and health trends;

(b) Any course unrelated to or not designed to enhance the professional skill of the practitioner;

(c) Courses conducted by any individual who is the owner of or is directly connected with any optical wholesale concern unless approved by the Board.

(3) A doctor of optometry is expected to ascertain in advance that the courses, which he/she attends, have received prior Board approval and do not fall within the exceptions of sub-part (2).

(4) Board approval of any educational program under this section relates to the program as proposed to the Board. In the event the actual program does not substantively correspond to the proposed program approved by the Board, the board will not give credit for that program under Code Section 43-30-8. The Board will not consider for approval the program as modified.

(5) Minimum hours required. Unless the Board gives written notice to each licensed doctor of Optometry prior to February 1 of the applicable year, the minimum number of hours of attendance at Board-approved education programs required for biennial renewal of license shall be 36. However, new licensees shall be required to obtain the following number of hours: none (0) in the first calendar year of licensure, 18 in the second calendar year of licensure, 36 per biennium beginning in the third calendar year of licensure. After the first calendar year of licensure, courses related to practice management shall be restricted to 4 hours biennially and

must be related to patient care. After the first calendar year of licensure, of the total hours required, licensees practicing within the State shall obtain one (1) hour biennially of prior approved Georgia Optometric Jurisprudence ethics and jurisprudence. ~~A maximum of 8 hours per biennium will be allowed as continuing education credit for grand rounds. One hour credit will be allowed for every 2 hours spent in grand rounds.~~

(a) Within the 36 or 18 hours of continuing education hours as set out in (5) above, whichever is required, licensees practicing within the State shall obtain one (1) hour biennially of prior approved ethics and jurisprudence. ~~Georgia Optometric Jurisprudence. Georgia Optometric Jurisprudence required by these rules must be presented by a current Board Member or someone designated by the Board.~~ Georgia licensed optometrists that are not practicing within the state are not required to earn the one hour of Georgia Optometric Jurisprudence ethics and jurisprudence.

(b) A maximum of eight (8) hours per biennium will be allowed as continuing education credit for grand rounds. One (1) hour credit will be allowed for every two (2) hours spent in grand rounds.

(c) A maximum of six (6) hours of continuing education credit will be allowed per biennium for any coursework that is offered by correspondence or electronic medium, which coursework is approved or sponsored by any provider identified in subparagraph (1) of this Rule.

(d) Effective January 1, 2006, of the thirty-six (36) required hours, a minimum of 18 hours per biennium is required for pharmacology and pathology as related to ophthalmologic conditions.

(6) Reporting and Auditing. The method of reporting and auditing continuing education shall be:

(a) At the time of license renewal, each Optometrist shall certify to the Board that he/she has completed the continuing education required for license renewal.

(b) The staff of the Professional Licensing Boards shall audit the continuing education of a percentage of licensees for compliance with all rules and regulations. This percentage shall not exceed 20% of the licensed Optometrist, randomly selected, in the State per biennium.

(c) Each licensed Optometrist shall maintain records of attendance and supporting documents for continuing education for a period of three (3) years from the date of attendance.

(d) Deferral of the requirement for education program hours may be considered by the Board. Requests for deferral must be submitted to the Board in writing and should include complete documentation of the reasons for the request. Deferral will be considered for the following reasons:

1. certified illness; and
2. hardship.

O.C.G.A. §§ \_\_\_\_\_.

### **430-2-.07 Renewal of Licenses.**

(1) Each person holding a valid license to practice optometry shall renew said license with the Division Director by completing and filing the renewal form furnished by the Board. Said licenses expire on December 31 of every odd-numbered years and shall be renewed biennially upon payment of the biennial renewal fees and providing proof, if selected for an audit, of the completion of the required continuing education hours. The renewal form shall be considered filed with the Board upon being postmarked. All forms not postmarked by December 31 of the odd numbered years shall be considered late.

(2) Each person holding a valid license to practice optometry who does not renew said license by December 31 of the odd-numbered years shall be afforded a late renewal for a period of thirty (30) days after the deadline date. Late renewals shall be processed after filing the renewal form, payment of the renewal fee and late renewal penalty fee and providing proof, if selected for an audit, of the required continuing education hours. The late renewal form shall be considered filed with the Board upon being postmarked. All late renewal forms not postmarked by January 30 following the December 31 deadline shall not be considered timely filed with the Board.

(3) Any service member as defined in O.C.G.A. § 43-1-31 whose license to practice optometry expired while serving on active duty outside the state shall be permitted to practice optometry in accordance with the expired license and shall not be charged with a violation relating to such practice on an expired license for a period of six (6) months from the date of his or her discharge from active duty or reassignment to a location within the state. Any such service member shall be entitled to renew such expired license without penalty within six (6) months after the date of her or her discharge from active duty or reassignment to a location with the state. The service member must present to the board a copy of the official military orders or a written verification signed by the service member's commanding officer to waive any charges.

(4) After the late renewal time period, all non-renewed licenses will be revoked by operation of law for non-renewal, and will require reinstatement at the discretion of the Board.

Authority O.C.G.A. §§ 43-1-25, 43-30-5, and 43-30-8.



**430-11-.01 Examination Requirements., Amended.**

- (1) Candidates for licensure in Georgia will be required to pass Parts 1, 2 and 3 if applicable of the National Board examinations; and Treatment and Management of Ocular Disease (TMOD) examination or a subsequent examination approved by the board which tests knowledge of pharmacology for treatment and management of ocular diseases; and the Georgia State Jurisprudence examination administered by an organization approved by the board. In addition, after July, 1994, all candidates must have completed all requirements for therapeutic certification before making application to take the jurisprudence examination.
- (2) There shall be an exception to the requirement for successful completion of the National Board examination for candidates meeting the following qualifications:
  - (a) Any candidate who has held a valid license in good standing to practice Optometry in another state and has practiced the profession continually in said State since a date prior to January 1, 1974, shall be eligible to take the jurisprudence examination given by an organization approved by the board provided that:
    1. The State in which said candidate is licensed is deemed by the Board to have established standards and qualifications that are equivalent to the standards and qualifications required for licensure in the State of Georgia;
    2. The State in which said candidate is licensed has established requirements for re-licensure which are deemed by the Board to be equivalent to the requirements for re-licensure in the State of Georgia;
  3. Provided that said candidate meets all other requirements for licensure.

O.C.G.A. §§ 43-30-5 and 43-30-7.

**NOTICE OF INTENT TO ADOPT A NEW RULE TO THE GEORGIA STATE BOARD OF  
OPTOMETRY RULES  
RULE 430-2-.08, VOLUNTEERS IN OPTOMETRTY. AND  
NOTICE OF PUBLIC HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Optometry (hereinafter "Board") proposes a new rule be added to the Georgia State Board of Optometry Rules, Rule 430-2-.08, Volunteers in (herein after "proposed new rule").

This notice, together with an exact copy of the proposed new rule and a synopsis of the proposed new rule, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed new rule, and a synopsis of the proposed new rule may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-1686.

A public hearing will be held at 10:00 a.m. on October 26, 2005, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed new rule.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on October 19, 2005. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Optometry, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-1686 or fax (478) 207-1699.

The Board will consider the proposed rule amendment for adoption at a meeting scheduled to begin at 10:05 a.m. on October 26, 2005 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Optometry has the authority to adopt the proposed new rule pursuant to authority contained in O.C.G.A. §§ \_\_\_\_.

At its meeting on July 27, 2005 the Georgia State Board of Optometry voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ \_\_\_\_.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ \_\_\_\_ to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of optometry.

For further information, contact the Board office at (478) 207-1686.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mollie L. Fleeman  
Division Director  
Professional Licensing Boards Division

Posted: \_\_\_\_\_

**SYNOPSIS OF PROPOSED ADDITION TO THE  
GEORGIA STATE BOARD OF OPTOMETRY RULES  
RULE 430-2-.08, VOLUNTEERS IN OPTOMETRY.**

**PURPOSE:** The purpose of the proposed new rule is to provide for licensure for optometrists to work as volunteers in Georgia in compliance with O.C.G.A. § 43-1-28.

**MAIN FEATURES:** The main feature of the proposed new rule is to provide for licensure for optometrists to work as volunteers in Georgia in compliance with O.C.G.A. § 43-1-28.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED NEW RULE  
TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES RULE 430-2-.08,  
VOLUNTEERS IN OPTOMETRY.**

**NOTE:** Underlined text is proposed to be added.

Rule 430-2-.08, Volunteers in Optometry is to read:

430-2-.08 Volunteers in Optometry.

(1) The Board may issue volunteer licenses in its discretion when it has identified an area of this state in which there is an urgent, unfilled need for optometric services, and when it has located a competent optometrist to fulfill such need. In granting these volunteer licenses, the Board shall observe the following criteria:

(a) Need of the Community. A volunteer license shall be issued for the purpose of serving indigent patients in areas of this state in which there is inadequate personnel to supply optometric services. In determining what constitutes an inadequate supply of optometry personnel, the Board shall consider various factors, including the optometrist – patient ratio in the area in question, the distance between patients and existing optometrist, the maldistribution of particular types of specialty care, and any other factors which are indicative of an absence of adequate optometric services in or reasonably accessible to the area in question. Any group or groups of persons seeking to secure such an optometrist for a community shall supply the Board with all information necessary for it to make a determination as to the existence of all the foregoing factors.

(b) Qualification of the Optometrist.

1. The optometrist must submit an application for a volunteer license to the Board and must be retired from the practice of optometry and not currently engaged in such practice either full time or part time and has, prior to retirement, maintained full licensure in good standing;

2. As a condition precedent to a volunteer license being issued, after five (5) years have passed without the applicant being engaged in the direct observation and treatment of patients, the Board, in its discretion, may require a refresher course or the passage of an examination administered by the board or a testing agency designated and approved by the Board.

3. The applicant may be asked to submit a statement from a physician attesting to the applicant's physical and mental capacity;

5. If the applicant is not in compliance with the continuing education requirements established by the Board at the time application is made for the volunteer license, the applicant may be issued a nonrenewable temporary license to practice for six months provided the applicant is otherwise qualified for such license. During the period of time the licensee maintains such license, the licensee must comply with the continuing education requirements established by the Board;

6. There shall be no application or licensing fee for initial issuance of a volunteer license;

7. Volunteer licenses shall expire at the close of December 31 in all odd-numbered years, and shall be administratively revoked for failure to renew on January 31 of the following even-numbered year. Fees for license renewal shall be assessed as shown on the schedule

of fees adopted by the board. Licenses which have been administratively revoked shall be reinstated only in the discretion of the board;

8. Any other provisions of Chapter 33, Title 43 of the Official Code of Georgia Annotated not inconsistent with the intent and purpose of the provisional license statute shall be fully applicable to all licensed optometrist.

O.C.G.A. §

**NOTICE OF INTENT TO ADOPT A PROPOSED  
AMENDMENT TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES  
RULE 430-4-.01, UNPROFESSIONAL CONDUCT AND  
NOTICE OF PUBLIC HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Optometry (hereinafter "Board") proposes an amendment to the Georgia State Board of Optometry Rules, Rule 430-4-.01, Unprofessional Conduct (herein after "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-1686.

A public hearing will be held at 10:00 a.m. on October 26, 2005, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on October 19, 2005. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Optometry, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-1686 or fax (478) 207-1699.

The Board will consider the proposed rule amendment for adoption at a meeting scheduled to begin at 10:05 a.m. on October 26, 2005 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Optometry has the authority to adopt a proposed rule amendment to Rule 430-2-.04 pursuant to authority contained in O.C.G.A. §§ \_\_\_\_.

At its meeting on July 27, 2005 the Georgia State Board of Optometry voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ \_\_\_\_.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ \_\_\_\_\_ to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of optometry.

For further information, contact the Board office at (478) 207-1686.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mollie L. Fleeman  
Division Director  
Professional Licensing Boards Division

Posted: \_\_\_\_\_

**SYNOPSIS OF PROPOSED REVISIONS TO THE  
GEORGIA STATE BOARD OF OPTOMETRY RULES  
RULE 430-4-.01, UNPROFESSIONAL CONDUCT.**

**PURPOSE:** The purpose of the proposed rule amendment is to compel timely response by licensed optometrist to a subpoena issued by the board.

**MAIN FEATURES:** The main feature of the proposed rule amendment is to compel timely response by licensed optometrist to a subpoena issued by the board.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED  
AMENDMENTS TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES,  
RULE 430-4-.01, UNPROFESSIONAL CONDUCT.**

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

**430-4-.01 Unprofessional Conduct.**

(1) By the authority granted under Section 43-30-5 of the Official Code of Georgia Annotated, the Georgia Board of Examiners in Optometry has the authority to adopt, establish, enforce, and maintain rules and regulations applicable to the practice of optometry adequate to put O.C.G.A. Chapter 30, Title 43 into effect and to regulate the practice of optometry as a profession in conformity with and in compliance with accepted professional standards.

(2) Any one or all of the following acts committed by a doctor of optometry licensed in Georgia are in violation of the accepted professional standards for the practice of optometry in this State and shall constitute "unprofessional conduct" within the meaning of the O.C.G.A. Section 43-30-9, as *amended*:

(a) Continuing to practice optometry while suffering from any physical or mental disease or disability, which renders the further practice of optometry dangerous to patients or the public;

(b) Habitual intemperance in the use of ardent spirits, narcotics or stimulants to such an extent as to render the licensed doctor of optometry unfit for the careful performance of his professional duties;

(c) The intentional making of any fraudulent, misleading, or deceptive statement in any form of advertising connected with the practice of optometry, including but not limited to the tactic of 'bait and switch', whereby a product or service is advertised for a specific price but the consumer must in fact purchase additional products or product or service previously advertised;

(d) Making untruthful or improbable statements or flamboyant or extravagant claims concerning the licensed doctor of optometry's skills which are likely to deceive the public;

(e) Assisting any person other than another licensed doctor of optometry or a doctor of medicine skilled in diseases of the eyes in the prescribing or fitting of a contact lens for a patient, unless the person so assisted is under his direct, personal supervision while upon the same premises. In releasing a prescription for contact lens all parameters necessary for fabrication of the lens must be included;

(f) Practicing or continuing to practice optometry under, or use in connection with his practice of optometry, any assumed name, corporate name, trade name, or any name other than the name under which he is licensed to practice optometry in Georgia except under the following conditions:

1. When doctors of optometry are practicing as partners, they may practice under the full or last names of the partners. Doctors of optometry who are employed by other doctors of optometry shall practice in their own names, but may practice in an office listed under the name of the individual or partnership of doctors of optometry by whom they are employed, provided, however, that their names shall be displayed in a manner similar to the other doctors of optometry in the practice. In the event of the death or retirement of a doctor of optometry or sale of the optometric practice, the surviving doctor or doctors or the purchaser of the practice may continue to use the



name of the predecessor in addition to his own name for a period not to exceed two (2) years from the death or retirement of said predecessor. This rule shall not be construed to authorize conduct otherwise prohibited by the Patient Self-Referral Act, codified at O.C.G.A Section 43-1B-1 et seq.

(g) Publicly displaying of the licensed doctor of optometry's name upon or in any premises used for the practice of optometry, unless a licensed doctor of optometry is actually present at times optometric services are provided and unless such licensed doctor of optometry is in the practice of optometry at such premises for a minimum of four (4) hours per week;

(h) Failing to advise each patient whenever consultation with an optometric colleague or referral for other professional care seems advisable;

(i) Failing to hold in professional confidence all information concerning a patient;

(j) Exaggerating the patient's condition for the purpose of prescribing or dispensing unnecessary optometric services;

(k) Performing any dishonorable, unethical or unprofessional conduct likely to deceive, defraud or harm the public;

(l) Consistently misdiagnosing or consistently prescribing improper therapy;

(m) Violating, attempting to violate, or conspiring to violate any provision of the laws or rules pertaining to the practice of optometry in this State;

(n) Failing to provide adequate safeguards against patient abandonment. For purposes of this Rule, an optometrist shall be deemed to have provided such safeguards if he/she:

1. makes himself/herself available for twenty-four (24) hour access;
2. arranges alternative coverage by a licensed practitioner or other appropriate healthcare facility; or
3. advises prospective patients, in writing, at the time of their first visit that it is his/her policy not to be available during non-office hours;

(o) Assisting, allowing, or permitting an unlicensed person, firm, association or corporation to practice optometry in this State;

(p) Accepting any direct or indirect payment, gift, or other remuneration of any optometric service not actually rendered;

(q) Placing his license at the disposal or in the service or control of any person, firm, association or corporation not licensed to practice optometry in this State;

(r) Entering into any agreement that allows an unlicensed person, firm, association, or corporation to control or attempt to control the professional judgment, the manner of practice, or the practice of a doctor of optometry. For purposes of this section, "control or attempt to control the professional judgment, the manner of practice, or the practice of the doctor of optometry" shall include but not be limited to:

1. setting or attempting to influence the professional fees of a doctor of optometry;
2. restricting or attempting to restrict a doctor of optometry's freedom to see patients on an appointment basis;
3. terminating or threatening to terminate any lease, agreement, or other relationship in an effort to control the professional judgment, manner of practice, or practice of a doctor of optometry;
4. making or guaranteeing a loan to a doctor of optometry in excess of the value of the collateral securing the loan;
5. agreeing to divide or split fees received for professional services with any person, firm, association, or corporation for the solicitation or referral of a patient, provided that the following acts shall not be construed as unprofessional conduct under this regulation unless the person, firm, association, or corporation controls or attempts to control the practice of the doctor of optometry:
  - (i) entering into a bona fide lease or rental agreement based upon a percentage of gross income;
  - (ii) advertising in a truthful, non-deceptive manner, or paying for such advertising based upon a percentage of gross income, as long as such advertising otherwise complies with Rules [430-4-.01](#)(2)(c), (d) and (f) and other applicable statutes and regulations.

(iii) nothing in this rule shall be construed to prohibit professional relationships between optometrists, medical doctors, health maintenance organizations and/or hospitals. This rule shall not be construed to authorize conduct otherwise prohibited by the Patient Self-Referral Act, codified at O.C.G.A. Section [43-1B-1](#) et seq.

(s) It is the intent of subsection (r) to prevent manufacturers, wholesalers, or retailers of optical goods from controlling or attempting to control the professional judgment, manner of practice or the practice of a doctor of optometry, and the provisions of this section shall be liberally construed to carry out this intent.

(t) Subsection (r) shall not apply where the manufacturer, wholesaler, or retailer of ophthalmic goods is a licensed doctor of optometry or a licensed physician or legal entity 100 percent owned and controlled by one or more licensed doctors of optometry or licensed physicians; however, the exception set forth in this subsection shall not apply where the doctor of optometry or legal entity has offices at more than three (3) locations.

(u) Failing to release patient records within a reasonable period of time to a Physician or another Doctor of Optometry upon written authorization from the patient.

1. The patient shall be responsible to pay the costs of search, retrieval, copying and mailing the patient record.

(v) Failing to respond within the time specified to a subpoena from the Board or the Board's agent.

(3) No optometrist, or employee or agent thereof acting on his behalf, shall offer, agree to accept, or receive compensation in any form for the referral of professional services to or from another health care provider or entity. This prohibition includes any form of fee division or charging of fees for the referral of a patient.

Authority O.C.G.A. §§\_\_\_\_\_

**NOTICE OF INTENT TO ADOPT A PROPOSED  
AMENDMENT TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES  
RULE 430-10-.03, APPROVED THERAPEUTIC DRUGS AND NOTICE OF PUBLIC  
HEARING**

**TO ALL INTERESTED PARTIES:**

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Optometry (hereinafter "Board") proposes an amendment to the Georgia State Board of Optometry Rules, Rule 430-10-.03, Approved Therapeutic Drugs (herein after "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being mailed to all persons who have requested, in writing, that they be placed on a mailing list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. Copies may also be requested by contacting the Board office at (478) 207-1686.

A public hearing will be held at 10:00 a.m. on October 26, 2005, at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for official record. Oral statements should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (5:00 P.M.) on October 19, 2005. Written comments should be addressed to Mollie L. Fleeman, Division Director, Secretary of State, Professional Licensing Boards Division, Georgia State Board of Optometry, 237 Coliseum Drive, Macon, Georgia 31217. Telephone (478) 207-1686 or fax (478) 207-1699.

The Board will consider the proposed rule amendment for adoption at a meeting scheduled to begin at 10:05 a.m. on October 26, 2005 at the Secretary of State's Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Optometry has the authority to adopt a proposed rule amendment to Rule 430-2-.04 pursuant to authority contained in O.C.G.A. §§ \_\_\_\_.

At its meeting on July 27, 2005 the Georgia State Board of Optometry voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.G.C.A. §§ \_\_\_\_.

Additionally, at the meeting, the Board voted that it is not legal or feasible to meet the objectives of O.C.G.A. §§ \_\_\_\_\_ to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of optometry.

For further information, contact the Board office at (478) 207-1686.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mollie L. Fleeman  
Division Director  
Professional Licensing Boards Division

Posted: \_\_\_\_\_

**SYNOPSIS OF PROPOSED REVISIONS TO THE  
GEORGIA STATE BOARD OF OPTOMETRY RULES  
RULE 430-10-.03, APPROVED THERAPEUTIC DRUGS.**

**PURPOSE:** The purpose of the proposed rule amendment is to remove seven (7) drugs from the approved therapeutic drug formulary.

**MAIN FEATURES:** The main feature of the proposed rule amendment is to remove seven (7) drugs from the approved therapeutic drug formulary.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED  
AMENDMENTS TO THE GEORGIA STATE BOARD OF OPTOMETRY RULES RULE  
430-10-.03 APPROVED THERAPEUTIC DRUGS.**

**NOTE:** Underlined text is proposed to be added; lined through text is proposed to be deleted.

Rule 430-10-.03 Approved Therapeutic Drugs is hereby revised as follows:

**430-10-.03 Approved Therapeutic Drugs.**

(1) The following pharmaceutical agents may be used for treatment purposes, including ocular pain, by any doctor of optometry who has been certified pursuant to O.C.G.A. § 43-30-1(2)(A) to use pharmaceutical agents for treatment purposes:

- (a) acetaminophen;
- (b) acyclovir;
- (c) antazoline;
- (d) atropine;
- (e) apraclonidine;
- (f) aspirin;
- (g) azelastine;
- (h) bacitracin - in ophthalmic compounds;
- (i) betaxolol;
- (j) bichloroacetic acid;
- (k) bimatoprost;
- (l) brinzolamide;
- (m) brimonidine;
- (n) caffeine;
- (o) calcium chloride;
- (p) carbachol;
- (q) carboxymethylcellulose;
- (r) carteolol;
- ~~(s) chlortetracycline;~~
- ~~(t)~~ ciprofloxacin;
- ~~(u)~~ codeine;
- ~~(v)~~ cromolyn sodium;
- ~~(w)~~ cyclopentolate;
- ~~(x)~~ cyclosporine;
- ~~(y)~~ dapiprazole;
- ~~(z)~~ demecarium;
- ~~(aa)~~ dexamethasone;
- ~~(bb)~~ dextran;
- ~~(cc)~~ diclofenac;
- ~~(dd)~~ dihydrocodeine;
- ~~(ee)~~ dipivefrin;
- ~~(ff)~~ dorzolamide;

(ggff) echothiophate;  
 (hhgg) emedastine;  
 (ihhh) epinastine;  
 (jjii) epinephrine;  
 (kkjj) epinephryl borate;  
 (llkk) erythromycin;  
 (mmll) fenoprofen;  
 (nnmm) fluorometholone;  
 (oenn) gatifloxacin;  
 (ppoo) gentamicin;  
 (qqpp) glycerin;  
 (rrqq) gramicidin;  
 (ssrr) homatropine;  
 (ttss) hydrocodone;  
 (utt) hydrocortisone - in ophthalmic compounds;  
 (vvuu) hydroxyethylcellulose;  
 (wwwv) hydroxypropyl methylcellulose;  
 (xxww) ibuprofen;  
 (yy) idoxuridine;  
 (zzxx) isofluorophate;  
 (aaayy) ketoprofen;  
 (bbzz) ketorolac tromethamine;  
 (eeaaa) ketotifen fumarate;  
 (ddbbb) latanoprost;  
 (eee) levobetaxolol;  
 (ffccc) levobunolol;  
 (ggddd) levofloxacin;  
 (hhhee) levocabastine HCl;  
 (iiiff) lodoxamide;  
 (jjggg) loteprednol;  
 (kkhhh) medrysone;  
 (Hiii) mefenamic acid;  
 (mmjjj) methylcellulose;  
 (nnkkk) metipranolol;  
 (oolll) metronidazole;  
 (ppmmm) mineral oil;  
 (qqnnn) moxifloxacin;  
 (rrooo) naloxone;  
 (ssppp) naphazoline;  
 (ttqqq) naproxen;  
 (uuurr) naproxen sodium;  
 (vvsss) natamycin;  
 (wwwttt) nedocromil;  
 (xxuuu) neomycin;  
 (yyvvv) norfloxacin;  
 (zzwww) ofloxacin;  
 (aaaaxxx) olopatadine;  
 (bbbyyy) oxytetracycline;  
 (eeeezzz) pemirolast;  
 (dddaaaa) pentazocine;  
 (eeebbbb) phenarimine;  
 (fffccc) physostigmine;  
 (ggggddd) pilocarpine;

~~(hhheeee)~~ polycarbophil;  
~~(iiiiffff)~~ polysorbate 80;  
~~(jjjjgggg)~~ Polymyxin B;  
~~(kkkkhhhh)~~ polyvinyl alcohol;  
~~(llliiii)~~ prednisolone;  
~~(mmmmjjjj)~~ proethylene glycol;  
~~(nnnnkkkk)~~ propoxyphene;  
~~(oooo)~~ ~~pyrilamine~~ ~~in ophthalmic compounds~~;  
~~(ppppllll)~~ propylene glycol;  
~~(qqqqmmmm)~~ rimexolone;  
~~(rrrrnnnn)~~ scopolamine;  
~~(ssssoooo)~~ sodium chloride;  
~~(tttpppp)~~ sulfacetamide sodium;  
~~(uuuuqqqq)~~ sulfisoxazole diolamine;  
~~(vvvvrrrr)~~ suprofen;  
~~(wwww)~~ tetracycline;  
~~(xxxxssss)~~ timolol;  
~~(yyyytttt)~~ tobramycin;  
~~(zzzzuuuu)~~ tramadol;  
~~(aaaaavvvv)~~ travoprost;  
~~(bbbbwwww)~~ trifluridine;  
~~(eeeexxxx)~~ trimethoprim;  
~~(dddd)~~ ~~unoprostone~~;  
~~(eeee)~~ ~~vidarabine~~;  
~~(ffffyyyy)~~ white petrolatum.

(2) An optometrist certified to use therapeutic agents pursuant to O.C.G.A. § 43-30-1(2)(A), shall only use those agents as authorized under O.C.G.A. § 43-30-1(2)(D)(E) and (F). A doctor of optometry shall not administer any pharmaceutical agent by injection.

(3) The therapeutic agents listed in subparagraph (1) above to be used as an oral analgesic for ocular pain may include Schedule III or Schedule IV.

Authority O.C.G.A. §§